

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

CAMI McJUNKIN, as co-administrator)	
on behalf of the Estate of Stony McJunkin,)	
MOLLY McJUNKIN, as co-administrator)	
on behalf of the Estate of Stony McJunkin,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. CIV-19-018-Raw
)	
BOB GIRDNER, in his individual capacity,)	
JASON RITCHIE, in his official capacity,)	
BOARD OF COUNTY COMMISSIONERS)	
OF ADAIR COUNTY, a governmental entity,)	
)	
Defendants.)	

DEFENDANT'S MOTION TO COMPEL

Defendant, Board of County Commissioners of Adair County, ("Defendant"), pursuant to Rule 26 and 37 of the Fed. R. Civ. P. respectfully requests this Court to compel the Plaintiffs to respond to these Defendants' discovery requests in this matter. In support of this Motion Defendants state as follows:

1. On January 18, Plaintiffs filed their First Amended Complaint making allegations against this Defendant for alleged violations of 42 U.S.C. § 1983 regarding a shooting incident that occurred on January 18, 2017 (Doc. 4).
2. On April 8, 2019 the Plaintiffs dismissed with prejudice co-Defendants Hardwick and Hardin from this matter leaving only the above-referenced Defendants in this case. (Doc. 12).
3. These Defendants filed their respective Answers on April 25, 2019 (Docs. 15, 16, and 17).

4. On November 5, 2019 the Court filed its Order directing the parties to submit their Initial Disclosures under Rule 26 and to submit a Joint Status Report to the Court by December 5, 2019 (Doc. 19). These Defendants submitted Initial Disclosures on November 21, 2019 (Doc. 21) and the Court issued its Scheduling Order on December 19, 2019.

5. On November 21, 2019 the Board of County Commissioners of Adair County submitted discovery requests, including Interrogatories and Requests for Production of Documents, as well as employment and medical authorizations necessary for this case to the Plaintiffs. (*See Exhibit 1, Defendant's discovery requests to the Plaintiffs; Exhibit 2, Defendant's employment and medical authorizations to the Plaintiffs*).

6. To date, the Plaintiffs have not responded to any discovery requests.

7. On February 7, 2020 the Court issued its Order granting the Plaintiffs' counsel's Motion to Withdraw and further gave the Plaintiffs 45 days, or until March 24, 2020 to have new counsel enter an appearance. The Court's Order also indicates that "failure to appear through new counsel may result in the Administrators being designated to continue prosecuting this matter *pro-se*". (Doc. 29).

8. As stated above, the Plaintiffs have not responded to any discovery requests submitted by the Board, which have been pending and due for many months. At this time there is currently a Scheduling Order with a discovery cut-off of July 1, 2020, along with other deadlines to prepare this matter for trial. There is also a Settlement Conference scheduled at this time for August 4, 2020 before Magistrate Judge Steven Shreder (Doc. 25).

9. The Plaintiffs' continued failure to produce discovery responses in any form or fashion to the Defendants is highly prejudicial to its ability to defend this matter and to prepare for the depositions of the Plaintiffs, which should be done soon in order to prepare this matter properly for trial.

10. As such, this Defendant respectfully requests that this Court issue an Order compelling the Plaintiffs to properly respond to the Defendant, Board of County Commissioners of Adair County's discovery requests.

WHEREFORE, based upon the above and foregoing, the Defendant, Board of County Commissioners of Adair County respectfully requests this Court to issue an Order compelling the Plaintiffs to respond to the discovery requests attached hereto as Exhibits 1 and 2. A proposed Order is being submitted hereto.

Respectfully submitted,

s/ Michael L. Carr

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*Attorneys for Defendant Board of County
Commissioners of Adair County, Sheriff
Jason Ritchie, in his Official Capacity,
Bob Girdner and David Hardin*

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2020, a true and correct copy of the above and foregoing document was sent by priority mail, to the following who is not a registered user of the ECF System for filing:

Cami McJunkin
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Pro-se Plaintiffs

s/Michael L. Carr

Michael L. Carr